

HOUSE SUBSTITUTE

FOR

HOUSE BILL NO. 470

AN ACT

2 To repeal section 195.417, RSMo, and to enact
3 in lieu thereof one new section relating to
4 the sale of products containing
5 methamphetamine, with penalty provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
7 AS FOLLOWS:

8 Section A. Section 195.417, RSMo, is repealed and one new
9 section enacted in lieu thereof, to be known as section 195.417,
10 to read as follows:

11 195.417. 1. No person shall deliver in any single
12 over-the-counter sale more than [three]:

13 (1) Two packages or any number of packages that contain a
14 combined total of no more than six grams, of any [methamphetamine
15 precursor drug or any combination of methamphetamine precursor
16 drugs] drug containing a sole active ingredient of ephedrine,
17 pseudoephedrine, phenylpropanolamine, or any of their salts,
18 optical isomers, or salts of optical isomers; or

19 (2) Three packages of any combination drug containing, as
20 one of its active ingredients, ephedrine, pseudoephedrine,
21 phenylpropanolamine, or any of their salts, optical isomers, or
22 salts of optical isomers, or any number of packages of said

1 combination drug that contain a combined total of no more than
2 nine grams of ephedrine, pseudoephedrine, phenylpropanolamine, or
3 any of their salts, optical isomers, or salts of optical isomers.

4 2. All packages of any drug having a sole active ingredient
5 of ephedrine, pseudoephedrine, phenylpropanolamine, or any of
6 their salts, optical isomers, or salts of optical isomers, shall
7 be displayed and offered for sale only behind a checkout counter
8 where the public is not permitted, or within six feet of a
9 register located on an attended checkout counter. This
10 subsection shall not apply to any retailer utilizing an
11 electronic anti-theft system that specifically prevents the theft
12 of such drugs from the place of business where such drugs are
13 sold.

14 3. This section shall supersede any municipal ordinances or
15 regulations to the extent that such ordinances or regulations are
16 more restrictive than the provisions of this section. This
17 section shall not apply to any product labeled pursuant to
18 federal regulation for use only in children under twelve years of
19 age, or to any products that the state department of health and
20 senior services, upon application of a manufacturer, exempts by
21 rule from this section because the product has been formulated in
22 such a way as to effectively prevent the conversion of the active
23 ingredient into methamphetamine, or its salts or precursors or to
24 the sale of any animal feed products containing ephedrine or any
25 naturally occurring or herbal ephedra or extract of ephedra.

1 [3.] 4. Any person who is considered the general owner or
2 operator of the outlet where ephedrine, pseudoephedrine, or
3 phenylpropanolamine products are available for sale who violates
4 subsection 1 of this section shall not be penalized pursuant to
5 this section if such person documents that an employee training
6 program was in place to provide the employee with information on
7 the state and federal regulations regarding ephedrine,
8 pseudoephedrine, or phenylpropanolamine.

9 [4.] 5. Any person who knowingly or recklessly violates
10 this section is guilty of a class A misdemeanor.